

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD FEBRUARY 6, 2006

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present: Glenn A. Evans, Kristopher W. Jordan, James D. Ward

- 1:00 PM Prosecutor Session
- 7:15 PM Reconvening Final Hearing For The Sackett #328 Ditch Project
- 7:30 PM Public Hearing # 1 For Delaware County's FY 2006 CDBG And RLF Programs
- 9:00 AM Executive Session For Land Acquisition (Tuesday February 7, 2006)

**RESOLUTION NO. 06-154**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL AND FOR PENDING OR IMMINENT LITIGATION:**

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 1:20PM.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

**RESOLUTION NO. 06-155**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn out of Executive Session at 1:55PM.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

**PUBLIC COMMENT**

**RESOLUTION NO. 06-156**

**IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 2, 2006 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:**

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the resolutions and records of the proceedings from regular meeting held February 2, 2006 as contained in the county's official electronic recordings of the proceedings.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Abstain

**RESOLUTION NO. 06-157**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR023 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR023:**

It was moved by Mr. Evans, seconded by Mr. Jordan to approve payment of warrants in batch numbers CMAPR023, memo transfers in batch numbers MTAPR023 and Purchase Orders and Vouchers as listed:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO's</b>			
MORPC	2006 Membership	10011102-5308	\$ 41,021.00
BP Products	Fuel	65211905-5228	\$ 30,000.00
NHG Development	Return Unused Inspection fees	65111904-5319	\$ 12,000.00
Ohio Edison	Electric Service	66011912-5338	\$ 30,000.00
Kemiron Companies	Ferric Chloride	65211905-5290	\$ 8,800.00
KOK Products	Sodium Hypochlorite	65211905-5290	\$ 34,000.00
Polydyne Inc	55 Gal Drums of Polymer	65211905-5290	\$ 20,000.00
State of Ohio Treasurer	State Audit	10011102-5301	\$ 85,000.00
Leann Bauerdick	Board and Care	22511607-5350	\$ 5,000.00
Office Max	Data Supplies	22411605-5201	\$ 7,000.00
<b>Vouchers</b>			
BP Products	Gasoline	10011106-5228	\$ 14,642.71

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Ben Shroyer	Generators for Cargo Trailers	21511309-5260	\$ 6,107.20
Boys Village Inc.	Residential Treatment	22511607-5342	\$ 39,558.17
Board of Developmental Dis	Residential Treatment	22511608-5342	\$ 25,792.50
Henry Painting	Jail Painting	40411414-5410	\$ 12,888.26
Kenny Huston	Masonry Jail	40411414-5410	\$ 17,147.33
Delaware Cab Co.	Client Travel	22411601-5355	\$ 7,639.75
Delaware Cab Co.	Client Travel	22511607-5305	\$ 1,275.00

Vote on Motion            Mr. Evans            Aye            Mr. Jordan            Aye            Mr. Ward            Aye

**RESOLUTION NO. 06 -158**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the following:

The Auditor’s Office is requesting that Shoreh Elhami attend two URISA Board Meetings, one February 18-19, 2006 in Orlando, Florida and the second June 10-11, 2006 in Chicago, Illinois , at a total cost of \$680.00.

The Child Support Enforcement Agency is requesting that Wendy Shannon, Matt Smith, Susan Brown, and Christine Dobrovich attend Hearing Officer III Training in Lima, Ohio March 14, 2006, at the cost of \$230.00.

The Code Compliance Department is requesting that Gary Wilhelm attend an Ohio Design and Construction Expo in Columbus, Ohio February 1, 2006, at the cost of \$95.00.

The Department of Job and Family Services is requesting that Mona Reilly and Marsha Coleman attend Public Children’s Services Meeting in Columbus, Ohio February 15-16, 2006, at the cost of \$130.00.

Vote on Motion            Mr. Jordan            Aye            Mr. Evans            Aye            Mr. Ward            Aye

**RESOLUTION NO. 06-159**

**IN THE MATTER OF APPROVING TUITION ASSISTANCE REQUEST:**

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the Tuition Assistance requests as follows:

Todd Alan Hankins	1 Class	Tuition \$2,375.00	Books	\$125.00
Kelly Mills	1 Class	Tuition \$205.20	Books	\$50.28

Delaware County will reimburse an employee up to 90% for actual course tuition and required lab fee costs and 50% of the required book costs, not to exceed \$2,500 in total reimbursable expenses annually (review Section 4.0 for specific items). The employee shall provide proof of full payment before reimbursement is processed.

Vote on Motion            Mr. Evans            Aye            Mr. Jordan            Aye            Mr. Ward            Aye

**RESOLUTION NO. 06-160**

**IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONERS, WILLIAM D. FERGUS JR, REQUESTING ANNEXATION OF 1.320 ACRES OF LAND IN ORANGE TOWNSHIP TO THE CITY OF COLUMBUS:**

It was moved by Mr. Jordan, seconded by Mr. Evans to acknowledge that on February 1, 2006, the Clerk to the Board of Commissioners received an annexation petition request to annex 1.320 acres from Orange Township to the City of Columbus.

Vote on Motion            Mr. Jordan            Aye            Mr. Evans            Aye            Mr. Ward            Aye

**RESOLUTION NO. 06-161**

**7:15 PM RECONVENING FINAL HEARING FOR THE SACKETT #328 DITCH PROJECT:**

It was moved by Mr. Jordan, seconded by Mr. Evans to reconvene the Hearing at 7:27PM.

Vote on Motion            Mr. Jordan            Aye            Mr. Evans            Aye            Mr. Ward            Aye

**RESOLUTION NO. 06-162**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE SACKETT #328 DITCH**

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**PROJECT:**

It was moved by Mr. Jordan, seconded by Mr. Evans to close the Hearing at 7:29PM.

Vote on Motion            Mr. Ward            Aye    Mr. Jordan            Aye    Mr. Evans            Aye

**RESOLUTION NO. 06-163**

**IN THE MATTER OF COMMISSIONERS' FINDING AFFIRMING ORDER, CONFIRMING THE ASSESSMENTS, AND ORDERING THE LETTING OF THE CONTRACTS FOR THE SACKETT #328 DITCH PROJECT:**

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the following:

In The Matter Of The Sackett #328 Ditch Petition Filed By Robert Ford and Others On June 17, 2003.

WHEREAS,            this being the day fixed by said Board in the order dated the 6<sup>th</sup> day of February 2006, for the reconvening of the final hearing (continued from the 30<sup>th</sup> day of January 2006) on the Reports, Plans, and Schedules of the County Engineer, on the estimated assessments, on claims for compensation or damages and on the proceedings for the improvement.

WHEREAS,            The Board finds that due and legal notice of this final hearing has been given as required by law; and

WHEREAS,            The Board has heard all the evidence offered in the proceedings and received and considered all the schedules, plans, and reports filed by the County Engineer, and

WHEREAS,            this Board has considered the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, etc.;

THEREFORE BE IT RESOLVED, that the Board herby approves the maps, profiles, plans, schedules and reports for prepared by the Delaware County Engineer, and

FURTHER BE IT RESOLVED, That once the water shed is confirmed, the Delaware County Engineer's estimated assessments are hereby approved and confirmed, and the Engineer is ordered to receive bids for the construction of the improvement, and

FURTHER BE IT RESOLVED, That the county borrow funds to pay for the improvement, and that eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay the assessments that may be made for the improvement, and that interest shall be charged on the installments at the same rate charged to the Commissioners for the borrowing of the money, and

FURTHER BE IT RESOLVED, The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements; and

FURTHER BE IT RESOLVED, That the County Engineer be and he is hereby directed to give at least two weeks public notice as required by law of the time when and the place where bids will be received for furnishing any material for the improvement, or for the construction of the improvement, or any part thereof, and in case manufactured material is required for the construction of the improvement, the County Engineer is hereby directed to send copies of the notice by mail to dealers and manufacturers and all bids shall be received at the office of he Delaware County Engineer, 50 Channing Street, Delaware, Ohio.

FURTHER BE IT RESOLVED, THAT THE COMMISSIONERS APPROVE ESTABLISHING A NEW ORGANIZATION KEY FOR THE SACKETT #328 DITCH PROJECT 40311415.

Vote on Motion            Mr. Evans            Aye    Mr. Jordan            Aye    Mr. Ward            Abstain

**RESOLUTION NO. 06-164**

**7:30 PM - IN THE MATTER OF PUBLIC HEARING # 1 FOR DELAWARE COUNTY'S FY 2006 CDBG AND RLF PROGRAMS:**

It was moved by Mr. Ward, seconded by Mr. Jordan to open the hearing.

Vote on Motion            Mr. Jordan            Aye    Mr. Evans            Aye    Mr. Ward            Aye

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**RESOLUTION NO. 06-165****IN THE MATTER OF CLOSING THE PUBLIC HEARING # 1 FOR DELAWARE COUNTY'S FY 2005 CDBG AND RLF PROGRAMS:**

It was moved by Mr. Evans, seconded by Mr. Jordan to close the hearing.

Vote on Motion            Mr. Ward            Aye    Mr. Jordan            Aye    Mr. Evans            Aye

**RESOLUTION NO. 06-166****IN THE MATTER OF APPROVING PLAT FOR JUSTAMERE SUBDIVISION:**

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the following:

**Justamere Subdivision**

Situated In The Township Of Scioto, County Of Delaware, State Of Ohio And Being Part Of Lot 3, L. Thomas's V.M.S. 2673. Being A Subdivision Of 8.370 Acres, Being All Of The Remainder Of An Original 11.373 Acre Tract Owned By Frank. E. Peirsol Jr. As Recorded In Official Records Volume 552. Page 2503 In The Delaware County Recorder's Office. Cost \$12.00.

Vote on Motion            Mr. Evans            Aye    Mr. Jordan            Aye    Mr. Ward            Aye

**RESOLUTION NO. 06-167****IN THE MATTER OF APPROVING A REQUEST FOR AN EXTENSION OF AN ODOT PERMIT FOR THE OLENTANGY CROSSINGS ASSESSMENT PROJECT:**

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the following:

**Olentangy Crossings Assessment Project**

Due to inclement weather as it pertains to good paving conditions, the above referenced project was not completed during the 2005 construction season. A permit from ODOT was required for work on U.S. Route 23 relative to this project which needs to be extended so that this work can be completed during the 2006 construction season. The Engineer is, therefore, asking you to approve the request for an extension so that we may extend this permit through ODOT.

Vote on Motion            Mr. Ward            Aye    Mr. Jordan            Aye    Mr. Evans            Aye

**RESOLUTION NO. 06-168****IN THE MATTER OF ACCEPTING AND AWARDED THE BID AND APPROVING THE CONTRACT WITH R&I CONSTRUCTION FOR CHESHIRE ROAD BRIDGE OVER LITTLE WALNUT CREEK DESIGN/BUILD PROJECT:**

It was moved by Mr. Evans, seconded by Mr. Jordan to accept the following Bid and approving the following contract:

**Cheshire Road Bridge Over Little Walnut Creek  
Design/Build Project  
Bid Opening of 1/31/06**

As a result of the referenced bid opening, The Engineer recommends that a bid award be made to R&I Construction, the low bidder for the project. A bid tabulation is available.

**CONTRACT**

**AGREEMENT**, made and entered into this 6<sup>th</sup> day of February 2006, by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **R&I CONSTRUCTION** hereinafter designated as **SECOND PARTY**.

**WITNESSETH**, that said **SECOND PARTY**, for and in consideration of the sum of **NOT TO EXCEED FIVE HUNDRED TWENTY-SIX THOUSAND FIVE HUNDRED TEN DOLLARS** (\$526,510.00), based on unit prices on the attached **Bid Blank**, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY**, all the necessary material, labor and equipment required to complete the project known as **CHESHIRE**

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**ROAD BRIDGE OVER LITTLE WALNUT CREEK DESIGN/BUILD PROJECT**, in accordance with plans, drawings, general specifications, Invitation to Bid for same hereto attached; which plans, drawings, general specifications and Invitation to Bid are hereby declared to be a part of this **Contract**.

**SAID SECOND PARTY** further agrees to furnish said materials and to do the said work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **Delaware County Engineer**. Work is to be completed on or before **October 31, 2006**.

**THE SECOND PARTY** hereby agrees to hold the **County** free and harmless from any and all claims for damages, costs, expenses, judgments or decrees, resulting from any operations of said **SECOND PARTY**, his sub-contractors, agents or employees.

**SECOND PARTY** further agrees to pay the **Prevailing Wage Rate** in accordance with **Section 4115 of the Ohio Revised Code** and to furnish the **Delaware County Engineer** a certified copy of the Contractor's payroll. Contractor is also responsible providing any changes in the Prevailing Wage rates as furnished by the Delaware County Engineer during the course of this project to any and all Subcontractors employed by the Contractor.

Vote on Motion            Mr. Evans            Aye    Mr. Jordan            Aye    Mr. Ward            Aye

**RESOLUTION NO. 06-169**

**IN THE MATTER OF APPROVING A CONTRACT WITH D & D AGRI HAULING, INC., FOR STOCKPILE HAULING, ASPHALT HAULING AND STONE HAULING FOR THE DELAWARE COUNTY ENGINEER FOR 2006:**

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the following

**CONTRACT**

**AGREEMENT**, made and entered into this 6<sup>th</sup> day of February, 2006 by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **D & D AGRI HAULING, INC.**, hereinafter designated as **SECOND PARTY**.

**WITNESSETH**, that said **SECOND PARTY**, for and in consideration of the sum as stated in Bidder's **Bid Blank**, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY** all the necessary labor and equipment required to complete the project known as **STOCKPILE HAULING, ASPHALT HAULING AND STONE HAULING FOR THE DELAWARE COUNTY ENGINEER FOR 2006**, General Specification and Invitation to Bid for same hereto attached, which General Specifications and Invitation to Bid are hereby declared a part of this **Contract**.

**SAID SECOND PARTY** further agrees to furnish said equipment and to do the work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **County Engineer**.

**THE SECOND PARTY** hereby agrees to hold the **County** free and harmless from any and all claims for damages, costs, expenses, judgments or decrees, resulting from any operations of said **SECOND PARTY**, his subcontractors, agents or employees.

Vote on Motion            Mr. Jordan            Aye    Mr. Evans            Aye    Mr. Ward            Aye

**RESOLUTION NO. 06-170**

**SETTING BID OPENING DATE AND TIME FOR THE PROJECT KNOWN AS THE ROAD SIDE MOWING PROGRAM:**

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the following:

**INVITATION TO BID**

The Delaware County Commissioners will be accepting sealed bids for a two (2) year contract until **10:00 a.m. on Friday, March 3, 2006 at the Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015**, for furnishing all labor, materials and equipment necessary to complete the project known as the Road Side Mowing Program and, at said time and place, publicly opened and read aloud. Specifications and bid documents can be obtained at the Office of the Delaware County Engineer, 50 Channing Street, Delaware Ohio 43015. This project provides for four rounds of mowing in the eastern half of Delaware County for a total of 151.569 center lane miles of County roadways.

Each bidder is required to furnish with its Proposal on Bid Guaranty and Contract Bond in accordance with Section 153.54 of the Ohio Revised Code. Bid security furnished in Bond form shall be issued by a Surety

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Company or Corporation licensed in the State of Ohio to provide said surety.

Each Proposal must contain the full name of the party or parties submitting the proposal and all persons interested herein. Each bidder must also submit evidence of its experiences on projects of similar size and complexity. The owners intend and require that this project be completed no later than October 20th of each year.

The Delaware County Commissioners reserve the right to waive irregularities and to reject any or all bids.

Vote on Motion            Mr. Ward            Aye    Mr. Jordan            Aye    Mr. Evans            Aye

**RESOLUTION NO. 06-171**

**IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS AND REACTIVATING AN ORGANIZATIONAL KEY FOR THE LEAP GRANT:**

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the following:

**Please reactivate number 28631311**

<b>Supplemental Appropriation</b>	<b>Amount</b>
28631311-5001            Leap Grant/Compensation	\$ 25,771.20
28631311-5101            Leap Grant/Hospital Insurance	\$ 13,225.00
28631311-5102            Leap Grant/Workers Comp	\$ 464.00
28631311-5120            Leap Grant/PERS	\$ 3,531.00
28631311-5131            Leap Grant/Medicare	\$ 374.00
28631311-5349            Leap Grant/Program Services	\$ 62,634.80

Vote on Motion            Mr. Ward            Aye    Mr. Jordan            Aye    Mr. Evans            Aye

**RESOLUTION NO. 06-172**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the following:

Robert Moore is resigning his Training Officer Position with the Delaware County EMS Department; effective day February 3, 2006.

Sarah Hoffer is requesting the following: 56 hours of leave without pay for the pay period of 0601004, 80 hours of leave without pay for the pay period of 0601003, 80 hours of leave without pay for the pay period of 0601002, 80 hours of leave without pay for the pay period of 0601001 and 75 hours of leave without pay for the pay period of 0501026.

Vote on Motion            Mr. Evans            Aye    Mr. Jordan            Aye    Mr. Ward            Aye

**RESOLUTION NO. 06-173**

**IN THE MATTER OF ADOPTING A RESOLUTION OF SUPPORT FOR AN ADDITIONAL JUDGE FOR THE DELAWARE MUNICIPAL COURT:**

It was moved by Mr. Jordan, and seconded by Mr. Evans to approve the following resolution:

WHEREAS, Delaware Municipal Court was established in 1952 as authorized under Ohio Revised Code section 1901.01, and

WHEREAS, Delaware County is currently the 11<sup>th</sup> fastest growing county in America and expects to increase in population to 212,902 by the year 2020, and

WHEREAS, the caseload for the Delaware Municipal Court has increased significantly over the past five years, and

WHEREAS, for the past three years, the average caseload in the Delaware Municipal Court is 24,700, and

WHEREAS, The average caseload per judge in municipal courts around Ohio is 12,387 according to the 2004 Ohio Courts Summary published by the Supreme Court of Ohio, and

WHEREAS, The 2004 Courts Summary indicates an average population per judge is 48,359 and the population

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for Delaware Municipal Court is approximately 142,000, and

WHEREAS, Based on the 2004 Courts Summary the Delaware Municipal Court has more cases per judge than 120 of the 124 municipal courts in Ohio and has more total cases per judge than 21 of the 21 two-judge courts, and more total cases per judge than 4 of the 4 three-judge courts, and

WHEREAS, The Delaware Municipal Court is requesting an additional judge to handle the increasing growth and case load of the Court, and

WHEREAS, Cities such as Delaware, in which municipal courts are located, are required by law to provide suitable accommodations for the courts and its offices and that the existing court facility is adequate to accommodate a second judge on a short term basis, and

WHEREAS, The City of Delaware has agreed to accommodate any temporary changes and move forward with a significant expansion to the facility as soon as possible

NOW THEREFORE BE IT RESOLVED: That the Board of Commissioners of Delaware County, State of Ohio, hereby officially declare that the County support an additional judge for the Delaware Municipal Court.

Vote on Motion            Mr. Ward            Aye    Mr. Evans            Aye    Mr. Jordan            Aye

**TUESDAY FEBRUARY 7, 2006**  
**9:00AM EXECUTIVE SESSION FOR LAND ACQUISITION**

**RESOLUTION NO. 06-174**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR LAND ACQUISITION:**

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 9:15AM.

Vote on Motion            Mr. Evans            Aye    Mr. Jordan            Aye    Mr. Ward            Aye

**RESOLUTION NO. 06-175**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn out of Executive Session at 10:35AM.

Vote on Motion            Mr. Jordan            Aye    Mr. Evans            Aye    Mr. Ward            Aye

There being no further business the meeting adjourned.

\_\_\_\_\_  
Glenn A. Evans

\_\_\_\_\_  
Kristopher W. Jordan

\_\_\_\_\_  
James D. Ward

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Letha George, Clerk to the Commissioners